

**CERTIFICATION OF ADMINISTRATIVE RULES
OF THE DEPARTMENT OF REVENUE
FILED WITH THE SECRETARY OF STATE
BRIAN P. KEMP**

(Pursuant to O.C.G.A. §§ 50-13-3, 50-13-4 and 50-13-6.)

I do hereby certify that the attached Rules are correct copies as promulgated and adopted on the 1st of October, 2010.

GEORGIA DEPARTMENT OF REVENUE

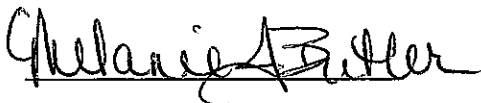
Filing Date: October 1, 2010.

The Georgia Department of Revenue has adopted:

- 560-2-3-.01, entitled "Restriction to Retailer; Storage of Inventory."
- 560-2-3-.02, entitled "Restriction to Retailer Business Hours; Exception; Restrictions on Other Mercantile Establishments; Manner of Operation."
- 560-2-3-.03, entitled "Place of Sale or Delivery of Goods."
- 560-2-3-.04, entitled "Products Other than Distilled Spirits for Sale, Display, or Offer."
- 560-2-3-.05, entitled "Games of Chance; Cause for Suspension or Revocation of License."
- 560-2-3-.06, entitled "Acceptance of Legal Delivery."
- 560-2-3-.07, entitled "Required Signs - Pregnancy Warning and Sales to Underage Persons."
- 560-2-3-.08, entitled "Retailer Purchase from Licensed Wholesaler; Penalty for Violation."
- 560-2-3-.09, entitled "Consideration of Goods Bought or Sold, Must be in Cash; Exceptions."
- 560-2-3-.10, entitled "Restriction to Retailers and Retail Consumption Dealers."
- 560-2-3-.11, entitled "Keg Registration and Identification."
- 560-2-3-.12, entitled "Retailer License."
- 560-2-3-.13, entitled "Size of Container Purchased."
- 560-2-3-.14, entitled "Consumption on Premises - Retail, Contiguous Operation."
- 560-2-3-.15, entitled "Package Sales by Retail Consumption Dealers; Prohibitions."
- 560-2-3-.16, entitled "Consumption on Premises; Trade Practices."
- 560-2-3-.17, entitled "Outside Delivery of Drinks."

The aforementioned Rules are being adopted under the authority of O.C.G.A. §§ 3-2-2, 3-3-7, 3-3-20, 3-3-21, 3-3-24.2, 3-4-26, 3-5-27, 3-5-28, 3-6-25, 3-6-25.1, 3-6-26, 16-12-22, and 48-12-2.

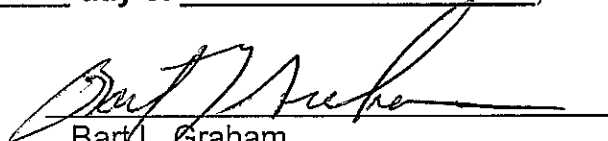
Sworn to and subscribed before me this 1st day of October, 2010.



(Signature of Notary Public)

(Notary Public Seal)

Notary Public, Rockdale County, Georgia
My Commission Expires Nov. 19, 2012



Bart L. Graham

Commissioner

Georgia Department of Revenue

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

**560-2-3-.01 Restriction to Retailer; Storage of
Inventory - Retailer/Retail Consumption Dealer.**

(1) No licensed Retailer or Retail Consumption Dealer shall keep any Distilled Spirits stored in any bonded or other Warehouse, nor shall he enter into any agreement whereby Distilled Spirits ordered by him are stored for him by any licensed Wholesaler.

(2) A licensed Retailer or a Retail Consumption Dealer shall keep no inventory or stock of Distilled Spirits at any place except his licensed Place of Business, and within his licensed Place of Business his storage space for Distilled Spirits shall be immediately adjacent to the room in which he is licensed to do business.

(a) Provided that for a Retailer, if the storage space has a door leading directly to the outside, the door shall be so equipped that it may only be unlocked and opened from the inside, and shall be opened only while accepting delivery of goods from a licensed Wholesaler;

(b) No other opening leading directly to the outside shall be permitted;

(c) It shall be permissible to store other products, which the Licensee is legally permitted to sell, in the same storage space as described above;

(d) This Section, however, is subject to the provisions of Section 560-2-2-.16 of these regulations which provides for the emergency movement of Distilled Spirits.

Authority O.C.G.A. § 3-2-2.

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**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

560-2-3-.02 Restriction to Retailer Business Hours; Exception; Restrictions on Other Mercantile Establishments; Manner of Operation - Retailer/Retail Consumption Dealer.

(1) No Retailer of Distilled Spirits shall open its Place of Business or furnish, sell, or offer for sale any Alcoholic Beverage at any of the following times:

(a) At any time on Sundays, Thanksgiving Day, or Christmas Day;

(b) At any time in violation of a county or municipal ordinance or regulation, or of a special order of the Commissioner; or

(c) At any time prior to 8:00 a.m. or after 11:45 p.m.

(2) No Retailer of Distilled Spirits shall be in, or permit others to be in, its Place of Business at any of the following times:

(a) At any time on Sundays, Thanksgiving Day, or Christmas Day;

(b) At any time in violation of a county or municipal ordinance or regulation, or of a special order of the Commissioner; or

(c) At any time prior to 7:00 a.m. or 30 minutes past the closing time of 11:45 p.m.

(3) Nothing contained in paragraph (2) shall prohibit a Retailer from being in its Place of Business at any time:

(a) For the purpose of responding to emergency situations such as fire or burglary;

(b) For the purpose of taking inventory, making repairs, renovating, or any other Alcoholic Beverage business purpose which does not involve the presence of Persons other than the Retailer, its agents or employees, when the activities could not reasonably be carried out during regular business hours, provided that the Licensee posts on all door entrances to the Place of Business a sign to read: **"CLOSED, NO CUSTOMERS ALLOWED ON PREMISES."**

(c) This exception does not relieve the Licensee from full compliance with all local laws and regulations or authorize the presence on the Retailer's Place of Business of any Person other than the Retailer, its agents or employees.

(4) Except as provided in Rule 560-2-3-.14, no Retailer shall operate in connection with any other mercantile establishment.

Authority: O.C.G.A. § 3-2-2.

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**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

**560-2-3-.03 Place of Sale or Delivery of Goods -
Retailer/Retail Consumption Dealer.**

(1) No Retailer shall sell or deliver any Distilled Spirits to any Person except in the Retailer's Place of Business.

(2) It shall be permissible for a Retailer to have a drive-in window and it shall be permissible for the Licensee or any of his employees to deliver Distilled Spirits through that window.

(3) A Retailer is permitted to load purchased goods in a customer's vehicle when the sale has previously taken place and monies have been exchanged inside the Place of Business.

(a) No mechanical devices or contrivances may be used for delivery of, or loading of, merchandise into a customer's vehicle.

(4) "Curb-service" type sales and sales to patrons in vehicles parked in the parking areas of the Places of Business are prohibited.

Authority: O.C.G.A. § 3-2-2.

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**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

**560-2-3-.04 Products Other than Distilled Spirits
for Sale, Display, or Offer - Retailer/Retail
Consumption Dealer.**

(1) No Retailer of Distilled Spirits shall sell, offer for sale, display, or keep in stock for sale or furnish at its licensed Premises where Distilled Spirits are offered for sale, any other products or services except the following:

(a) Wines, if the Retailer holds a valid and current license to sell Wine at that Place of Business;

(b) Malt Beverages, if the Retailer holds a valid and current license to sell Malt Beverages at that Place of Business;

(c) Cigarettes, cigars, chewing tobacco, snuff, if properly licensed to do so, and including such things as cigarette papers, lighters and matches, chewing gum and breath mints, manufactured packaged consumable single-serving snack items not requiring any preparation for consumption, single-serving pain medications and over-the-counter birth control devices;

(d) Beverages containing no Alcohol and which are commonly used to dilute Distilled Spirits;

(e) Packaged ice, ice chests, and coozies (individual can and bottle coolers).

1. The term "packaged ice" shall refer only to ice in packages of five pounds or greater that is in compliance with Georgia Department of Agriculture Rule 40-7-1-.08, entitled *Food from Approved Source*, and the packaging is labeled in accordance with Georgia Department of Agriculture Rule 40-7-1-.26, entitled *Labeling*.

(f) Paper, Styrofoam, or plastic cups; Wine and Distilled Spirits gift bags, which are limited to a size to accommodate one 750 ml size bottle and contain only products approved for sale or display by this regulation;

(g) Lottery tickets issued by the Georgia Lottery Corporation and any approved Georgia Lottery Corporation lottery materials, provided such Retailer is an authorized retailer of the Georgia Lottery Corporation;

(h) Bar supplies, limited to:

1. Corkscrews, openers, straws, swizzle stirrers, and bar-related containers and wares made of glass, plastic, metal or ceramic materials.

2. Cocktail olives, onions, cherries, lemons, limes and sugars or salts produced and marketed specifically for the preparation of alcohol beverage drinks.

3. Alcoholic Beverage drink recipe booklets, bar guides, and consumer-oriented Alcoholic Beverage publications.

(i) Products co-packaged with Alcoholic Beverages, provided that the products are limited to items approved for sale or display by this regulation, are offered for sale and sold as a single unit, and do not include more than one type of Alcoholic Beverage product;

(j) Check cashing services arising out of the sale of any product lawfully sold under this Regulation;

(k) Money Order sales arising out of check cashing services;

(l) Automated Teller Machine service for customer use; and

(m) Gift Certificates for use only at the issuing licensed Retailer.

(2) Beverages containing no Alcohol and commonly used to dilute Distilled Spirits as provided in subsection (d) of paragraph (1) may be dispensed through the use of vending machines.

Authority: O.C.G.A. § 3-2-2.

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**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

**560-2-3-.05 Games of Chance; Cause for
Suspension or Revocation of License -
Retailer/Retail Consumption Dealer.**

(1) Any scheme or device involving the hazarding of money or any other thing of value in any licensed Place of Business, or in any room adjoining the same owned, leased or controlled by the business, shall be cause for suspension or revocation of his license. Such schemes or devices include but are not limited to:

- (a) Gambling;
- (b) Betting;
- (c) Operating games of chance;
- (d) Punchboards;
- (e) Slot machines;
- (f) Lotteries; and/or
- (g) Tickets of chance.

(2) Nothing shall prohibit the operation of a bingo game, where properly licensed, or operating as an authorized retailer of the Georgia Lottery Corporation.

Authority: O.C.G.A. §§ 3-2-2, 16-12-22.

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**CHAPTER 560-2-3
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**560-2-3-.06 Acceptance of Legal Delivery -
Retailer/Retail Consumption Dealer.**

(1) A licensed Retailer shall take delivery of Alcoholic Beverages only:

(a) At his licensed Place of Business; and

(b) Only from a licensed Wholesaler or a licensed Carrier acting for a licensed Wholesaler.

(2) A delivering Wholesaler assumes entire responsibility of legal delivery to a licensed Retailer.

(3) Licensed Retailers shall not:

(a) Keep any Alcoholic Beverages stored in any bonded, or other Warehouse;

(b) Enter into any arrangement to store ordered Alcoholic Beverages with any licensed Wholesaler, Manufacturer, Broker, Importer, or Shipper; nor

(c) Keep any stock of Alcoholic Beverages at any place except its licensed Place of Business.

Authority: O.C.G.A. §§ 3-2-2, 3-5-28, 3-6-26.

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**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

**560-2-3-.07 Required Signs - Pregnancy Warning
and Sales to Underage Persons - Retailer/Retail
Consumption Dealer.**

(1) Every Retailer selling Alcoholic Beverages for consumption on the Premises must display a sign warning that consumption of Alcoholic Beverages during pregnancy can cause birth defects.

(a) The Department shall furnish, as a download on the Department's website, the necessary warning sign that must be displayed;

1. Nothing shall prohibit the display of additional similar information.

(b) The warning sign shall be prominently displayed at or near the entrance to where Alcoholic Beverages are consumed and shall be displayed in a readily visible, well lighted place, and safe from being defaced or destroyed;

(c) Should the sign be defaced or destroyed, the Licensee shall immediately obtain a replacement from the Department website;

(d) Retailers selling Alcoholic Beverages in the unbroken Packages for consumption off the Premises may also display the warning sign.

(2) Every Retailer shall post in a conspicuous place a notice containing provisions of the laws of Georgia regarding the unlawful sale or furnishing of Alcoholic Beverages to Persons under the lawful drinking age.

(a) The Department shall furnish the initial necessary notice that must be displayed;

1. Nothing shall prohibit display of additional similar information.

2. Additional copies may be obtained as a download from the Department's website.

(b) This notice shall be prominently displayed in a readily visible, well lighted place, safe from being defaced or destroyed;

(c) Should the notice be defaced or destroyed, the Licensee shall immediately obtain a replacement from the Department website.

Authority: O.C.G.A. §§ 3-1-5, 3-2-2, 3-3-24.2, 48-12-2.

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**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

560-2-3-.08 Retailer Purchase from Licensed Wholesaler; No Sales Below Purchase Price; Penalty for Violation - Retailer/Retail Consumption Dealer.

(1) Retailers and Retail Consumption Dealers shall only buy or arrange to buy, or in any way effect the transfer of any Alcoholic Beverages from a licensed Wholesaler.

(2) All sales made by Wholesalers to licensed Retailers shall be bona fide sales transactions from the Wholesaler to the licensed Retailer.

(3) No Retailer shall sell Alcoholic Beverages for less than the cost for which the Alcoholic Beverages were purchased from a licensed Wholesaler, as evidenced by invoice.

(a) The Department shall consider the totality of the invoice as evidence of the cost for which the Alcoholic Beverages were purchased;

(b) For the purposes of auditing, the Department shall calculate the cost of an Alcoholic Beverage by applying to the Brand cost any:

1. Free Alcoholic Beverages; and/or
2. Cash discounts.

(4) Failure to comply with this Rule shall be cause for revocation of the licenses of all licensed Wholesalers and Retailers involved.

Authority: O.C.G.A. §§ 3-2-2, 3-4-26, 3-5-26, 3-5-27, 3-6-25.

PROPOSED

**RULES
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**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

560-2-3-.09 Consideration of Goods Bought or Sold, Must be in Cash; Exceptions - Retailer/Retail Consumption Dealer.

(1) The consideration for all Alcoholic Beverages sold by any Retailer or Retail Consumption Dealer shall be cash only, and the delivery and payment shall be a simultaneous transaction within the licensed Place of Business.

(a) No credit of any fashion shall be extended;

(b) The use of post-dated checks is prohibited.

(2) The use of a credit card for the purchase of Alcoholic Beverages from a Retailer or Retail Consumption Dealer Licensee shall not be prohibited, provided that the credit card represents an unqualified obligation to pay without recourse on the part of the Person, institution, or agency issuing such card.

(a) Hotels and motels licensed to sell Alcoholic Beverages shall not be prohibited from billing guests for Alcoholic Beverages, provided that payment is tendered at the time the guest leaves or checks out of the hotel or motel;

(b) The sale of Alcoholic Beverages by bona fide private clubs and lodges where members pay all charges on a monthly basis shall not be prohibited, provided that the

receivables from such transactions are promptly placed for collection consistent with sound business practices.

(3) Consideration paid for Alcoholic Beverages when purchased by Retailers or Retail Consumption Dealers shall be cash paid at or before delivery.

(4) Where a Wholesaler makes deliveries to two or more Places of Business of the same Retailer or Retail Consumption Dealer, payment for all such deliveries shall be made by the Retailer or Retail Consumption Dealer in one cash payment at or before the last delivery on such day.

(5) Giving or receiving of post-dated checks, other evidences of indebtedness, or other subterfuges for obtaining or extending credit shall be a violation of this Regulation.

(6) The consideration for all Malt Beverages purchased from a Wholesaler by a Retailer or Retail Consumption Dealer shall be for cash only at or before the time of delivery except that in the event the Retailer or Retail Consumption Dealer owns more than one business and payment is made from a central office, the Wholesaler is permitted to carry an account for a period not to exceed five (5) days after delivery and invoice.

Authority: O.C.G.A. § 3-2-2.

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**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

**560-2-3-.10 Restriction to Retailers and Retail
Consumption Dealers - Retailer/Retail
Consumption Dealer.**

(1) No licensed Retailer or Retail Consumption Dealer shall transport Alcoholic Beverages except by Carrier and then only with the written approval of the Commissioner, except for emergency movement of Alcoholic Beverages as provided in Regulation 560-2-2-.16.

(2) Licensed Retailers and Retail Consumption Dealers shall not provide or arrange for delivery or transportation services related to Alcoholic Beverages.

(a) All sales of Alcoholic Beverages shall be simultaneous transactions within the meaning of Regulation 560-2-3-.09 and shall be complete as of the time that the customer makes payment and accepts the Alcoholic Beverage within the licensed Premises.

Authority: O.C.G.A. § 3-2-2.

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**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

**560-2-3-.11 Keg Registration and Identification -
Retailer/Retail Consumption Dealer.**

(1) Each retail Licensee selling kegs containing Malt Beverages for consumption off licensed Premises shall require each purchaser to present a Georgia driver's license or other proper identification at the time of purchase.

(2) Upon the sale of a keg of Malt Beverage, Licensees shall record the following information on the keg registration label or tag provided by the Department and shall affix the completed label or tag to the keg:

- (a) Name and address of the retail Licensee;
- (b) Keg identification number; and
- (c) State alcohol license number of the business.

(3) The Licensee shall record for each keg sale the following information on an identification form:

- (a) Date of sale;
- (b) Size of the keg;
- (c) Keg identification number;

(d) Amount of container deposit;

(e) Name, address, and date of birth of the purchaser; and

(f) Form of identification presented by the purchaser.

(4) Prior to the culmination of the sale, the purchaser shall read and sign a statement acknowledging and attesting to the following:

(a) Accuracy of the purchaser's name and address;

(b) Location where the keg contents will be consumed;

(c) Knowledge that a violation of Code Section 3-3-23, as it relates to furnishing Alcoholic Beverages to Persons under the age of twenty-one (21) years, may result in civil liability, criminal prosecution, or both; and

(d) Removal or obliteration of the keg registration label or tag is a violation of Code Section 3-5-5 and that this violation may result in criminal prosecution as set forth in Code Section 3-3-9.

(5) Licensees are authorized to charge a keg registration fee due at the time of sale of the keg.

(a) When the keg is returned and satisfies the conditions outlined in paragraph (6) of this Regulation, the keg registration fee shall be refunded to the purchaser.

(6) Upon return of the keg, the Licensee shall record the condition of the label and keg identification number on the identification form.

(a) The Licensee is authorized to retain any keg registration fee if the keg is returned without the label or the keg identification number, or if the information is illegible.

(7) The Licensee shall retain all keg registration information at the Licensee's licensed Premises for a period of six-months from the date of sale.

(a) Keg registration tags and labels issued by the Commissioner are for the use of the Licensee of the licensed Premises at the address as shown on the state license.

(b) Keg registration tags and labels are not transferable from one Licensee to another Licensee, or from one licensed Premise to another licensed Premise.

Authority: O.C.G.A. § 3-2-2.

**RULES
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**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

**560-2-3-.12 Retailer License - Retailer/Retail
Consumption Dealer.**

(1) Every applicant for a State license as a Retailer of Distilled Spirits shall comply with the requirements and qualifications set forth in Rule 560-2-2-.02 of these Regulations and this Rule. The requirements and qualifications in this Rule are cumulative and not in lieu of any requirements and qualifications of Rule 560-2-2-.02.

(2) In all cases where the owner of the business is a resident individual, the application shall be made in that name.

(a) Where the owner is a partnership, association, or non-resident of a county or municipality in which the sale of Distilled Spirits is authorized, the application shall be made in the name of a resident officer of a county in which the sale of Distilled Spirits is authorized, partner or associate owning a substantial interest in the business, or in the name of the principal resident managing officer, and the application shall show that the license is for the use of the owner, and the owner shall be named, and both shall be bonded;

(b) In the event the owner is a corporation or fraternal organization the application may be submitted as set forth in Rule 560-2-2-.02 of these Regulations.

(3) A separate Retailer license shall be required for each Place of Business.

(4) The requirement that an applicant's license be for the same location may be waived where the location previously occupied was lost as the result of the judgment of a court of general jurisdiction involving no fault or default of the Person under whom the applicant had occupied the Premises, the condemnation of the property by an authority having the power of eminent domain or the due acquisition of the property of such authority under the threat of condemnation.

(a) The requirement that an applicant's license be for the same location may be waived where the net effect of the proposed change is to reduce the number of package stores attributed to a Person, or in which an applicant and his family holds an interest.

(5) No Retailer of Distilled Spirits shall be approved where the Licensee pays to any Person, firm or corporation, any rent, management fee, or other payment based on the profits or sales of such licensed store.

(a) Every applicant for a retail license for Distilled Spirits shall attach to his application a copy of his lease if the applicant is leasing the building or the land, and in the event the agreed rent payments are other than fixed amounts which are reasonable for the area and consistent with rent paid for similar accommodations by other retail business establishments, the application will be denied.

(6) All leases for a Retailer of Distilled Spirits shall be in writing and for a term not less than the period of such license, and in the event the lease is terminated for any reason, the retail license shall be terminated immediately.

(7) Application for a Retailer liquor license, for a location that has not been licensed in the previous twelve (12) months, shall include a certificate, or scale drawing, of a registered surveyor that the proposed location complies with the Act in regard to distance from an alcohol treatment center, church, school, or a licensed location for retail sale of Distilled Spirits.

(8) Pursuant to O.C.G.A. § 3-4-21, no person shall be issued more than two Retailer Licenses, nor shall any person be permitted to have a beneficial interest in more than two Retailer Licenses, regardless of the degree of such interest, except under Section (b) of this Regulation.

(a) For purposes of this regulation, a person shall be deemed to have a beneficial interest in a Retailer license when he:

1. Holds a Retailer liquor license.
2. Has any ownership interest, whether legal, equitable or other, in or control over a retail liquor business.
3. Holds a retail license for or has any ownership interest in a beer or wine business which is conducted in conjunction with or immediately adjacent to a retail liquor business. Or
4. Holds the license for or has any ownership interest in any retail Alcoholic Beverage business and has any financial, contractual, or other business interest, including any lease arrangement in or with a retail liquor business or licensee.

(b) Under the *de minimis* concept, a person who owns less than five percent (5%) of the shares of a corporation which has more than thirty-five (35) shareholders or whose stock is

publicly traded shall not, on the fact of stock ownership alone, be deemed to have a beneficial interest in the liquor business of such corporation.

Authority: O.C.G.A. § 3-2-2; 3-4-21.

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**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

**560-2-3.13 Size of Container Purchased -
Retailer/Retail Consumption Dealer.**

(1) No Retail Consumption Dealer Licensee may purchase Distilled Spirits which exceed ten percent (10%) alcohol by volume in containers smaller than 750 milliliters.

(2) The sale of Distilled Spirits by a Retail Consumption Dealer Licensee in unbroken Packages or in any quantity for other than consumption on the Premises is expressly prohibited.

Authority: O.C.G.A. § 3-2-2.

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**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

**560-2-3-.14 Consumption on Premises - Retail,
Contiguous Operation - Retailer/Retail
Consumption Dealer.**

(1) A Person holding a valid state license for the sale of any Alcoholic Beverages where the products are consumed on the Premises and a valid retail liquor license at locations where the Premises of each Place of Business is contiguous to the other, and each business is treated as completely separate for all purposes, including such things as inventory, purchasing and record maintenance, may have a door between the retail Place of Business and the consumption on Premises Place of Business subject to the following conditions:

- (a) Each Place of Business must hold a proper license;
- (b) Each Place of Business must operate in compliance with all laws and regulations applicable to such business;
- (c) The door between the Places of Business must be closed and locked during days and hours when the operation of either Place of Business is prohibited;
- (d) Each Place of Business must have a separate entrance for the public and no common entrance shall be permitted;

(e) Each Place of Business shall have a trade name which shall not be the same for both places of business;

(f) Any storage room for the retail Place of Business shall be in compliance with all rules and regulations pertaining to that retail Place of Business;

(g) A sale may not be consummated or delivery made of package liquor except in the retail Place of Business;

(h) Only the Licensee of each Place of Business or his employees shall be permitted ingress and egress through the passage-way or door separating the two Places of Business, and all such Persons must have a proper Personnel statement on file with the Department at all times;

(i) A separate cash register shall be maintained in each Place of Business and all business transactions shall be kept separate;

(j) The passage-way or door between the two Places of Business shall be located behind the bar or service counter of each Place of Business or otherwise so situated or maintained as to be accessible only to the Licensee or his employees and such passage-way or door shall not be used by customers, patrons, or any other Persons not permitted by this Regulation.

1. Any connecting door or passage-way which is not located behind the bar or service counter of each Place of Business must be specially approved by the Commissioner, and there shall be permanently affixed on or beside that door or passageway a sign in letters at least two inches in height stating, "Employees Only May Use This Door--Revenue Regulation 560-2-3-.14."

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**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

**560-2-3-.15 Package Sales by Retail Consumption
Dealers; Prohibitions - Retailer/Retail
Consumption Dealer.**

(1) A Retail Consumption Dealer shall not sell Distilled Spirits in Packages for carryout purposes at any time.

(2) Retail Consumption Dealers shall not sell beer or Wine by the Package for carryout purposes:

(a) On any day or at any time when the sale of Package beer or Wine for carryout purposes is otherwise prohibited by law; or

(b) At any location which is within distances to grounds or buildings where the sale of Alcoholic Beverages for carryout purposes is otherwise prohibited by law.

(3) Any Retail Consumption Dealer violating the provisions of this Rule shall be subject to the suspension or revocation of licenses to sell Alcoholic Beverages.

(4) Pursuant to Code § 3-6-4, a restaurant that is a Retail Consumption Dealer Licensee may allow a patron to remove a partially consumed bottle of Wine which was:

- (a) Purchased, and partially consumed in conjunction with a meal purchased from the Licensee;
- (b) Securely resealed with tamper resistant tape by the Licensee; and
- (c) Placed in a bag or container that is secured in such a manner that it would be visibly apparent if the container has been subsequently opened or tampered with, along with an affixed, dated receipt indicating the terms of the purchase.

Authority: O.C.G.A. §§ 3-2-2, 3-3-7, 3-6-4, 3-3-20, 3-3-21.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

560-2-3.16 Consumption on Premises; Trade Practices - Retailer/Retail Consumption Dealer.

(1) All Persons licensed to sell or dispense Alcoholic Beverages by the drink for consumption on the Premises or the employees of such Person shall not:

(a) Sell or dispense any drinks not containing the exact brand, brands, or mixtures ordered or requested by the customer or consumer; or

(b) Make any statement which is false or untrue in any fashion or by any means tends to create a misleading impression as to the quality of any Alcoholic Beverage to the customer or consumer.

(2) All Persons licensed to sell or dispense Alcoholic Beverages by the drink for consumption on the Premises or the employees of such Person shall upon request of any customer or consumer:

(a) Divulge to that customer or consumer the quantity of Alcoholic Beverage contained in each drink sold to him or her; and

(b) Shall exhibit to the specific brand or brands of Alcoholic Beverage contained in each drink to that customer.

(3) In the case of Distilled Spirits, no Licensee, in the preparation of mixed drinks for consumption on the Premises, shall dispense one brand of Distilled Spirits from the container of any other brand of Distilled Spirits, or from any container whatsoever except from that originally purchased from a licensed Wholesaler.

(a) No container may be refilled with any substance, including but not limited to water, under any conditions or for any reason.

(4) No Person shall knowingly, and/or cause any other Person to, possess, sell, ship, transport, or in any way dispose of any Alcoholic Beverages under any other name than the proper name or brand known to the industry as designating the kind and quality of the contents of the package or other containers of that Alcoholic Beverage.

(5) Establishments licensed to dispense Distilled Spirits by the drink shall not through general advertising media, advertise the alcoholic contents or measurements of Distilled Spirits contained in such drinks.

Authority: O.C.G.A. § 3-2-2.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

**560-2-3-.17 Outside Delivery of Drinks -
Retailer/Retail Consumption Dealer.**

(1) A Retail Consumption Dealer shall not sell or permit the sale of Alcoholic Beverages except within the licensed Place of Business under its exclusive custody and control.

(2) For purposes of this Regulation the term "Licensed Premises" shall also include an area that is directly adjacent and contiguous to the licensed Premises provided the area:

- (a) Is approved by the Local governing authority;
- (b) Has the same address of as the licensed Premises;
- (c) Is owned or leased and is exclusively controlled by the Retail Consumption Dealer;
- (d) Is not public domain;
- (e) Is served from the same bar or serving location that permanently services the leased Premises.

(3) Any area not under the exclusive custody and control of the Retail Consumption Dealer shall not be considered a part of any licensed Premise.

(a) ~~Alcoholic Beverages~~ may not be sold, served, or delivered in, into, or within such an area.

(4) Any area under the exclusive custody and control of the Retail Consumption Dealer that is not directly adjacent and contiguous to the licensed Place of Business shall not be deemed part of the licensed Place of Business and is subject to Regulation 560-2-3-.12.

(5) A Retail Consumption Dealer shall be responsible for:

(a) All sale, delivery, or service of Alcoholic Beverages through any window, door, or other opening in the licensed Place of Business;

(b) Consumption and possession of all Alcoholic Beverages by any Person located on the licensed Place of Business.

Authority: O.C.G.A. § 3-2-2.